

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated May 20, 2005.

The Examiner has stated that the Information Disclosure Statement filed March 15, 2004 is not compliant because there may be missing pages of EP 1 139 639 A3, EP 1 251 676 A1, DE 32 35 752 A1 and JP 3-164922. Regarding EP 1 251 676 A1, DE 32 35 752 A1 and JP 3-164922, it is respectfully submitted that complete copies thereof were submitted with the original Information Disclosure Statement. However, for the Examiner's convenience, new copies are enclosed herewith along with a PTO-1449 so that the Examiner can properly initial, sign and date the PTO-1449 evidencing consideration of those references. With regard to EP 1 139 639 A3, a complete copy of that reference is submitted herewith, and consideration of that reference is also respectfully requested, the reference also having been listed on the form PTO-1449 enclosed herewith.

With regard to the Examiner's objections to the drawings, a proposed replacement sheet for Fig. 7 has added to it the legend --Related Art-- in compliance with the requirement of the Examiner. The Examiner has objected to the drawings because they allegedly include reference characters not mentioned in the description: 14, 15. As to reference character 15, it is included in the description on, for example, page 6, line 19. As to reference character 14, it is been added by amendment to page 6, line 11. The Examiner has also objected to the drawings because they allegedly do not include the following reference characters mentioned in the description: 51, 52, 153, 155a. Reference characters 51, 52 and 53 do occur in Fig. 7. Reference character 153 occurs in Fig. 6. Regarding reference character 155a, proposed replacement sheet for Fig. 6 has been amended to show reference character 155a.

Claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Kimura, U.S. Patent No. 6,762,740. Reconsideration of the rejection is respectfully requested.

Independent claim 1 has been amended to provide that the key input device includes "key backlight lighting control means for changing a lighting color and a lighting position of said key backlight in accordance with switching of character input modes." The amendment to independent claim 1 is supported in the specification by, for example, page 9, lines 4-11, and page 13, lines 19-23.

In contrast, Kimura discloses a feature of a color of a backlight being varied corresponding to each function performed by a portable telephone unit, (column 4, lines 20-33), and a multi-color

lighting portion 14, (column 7, lines 28-30), but does not disclose, teach or suggest the changing of a lighting color and a lighting position of a key backlight in accordance with the switching of character input modes, as claimed in independent claim 1. Since claims 2-9 are directly or indirectly dependent upon independent claim 1, they are allowable over Kimura for the same reasons recited above with respect to the allowability of independent claim 1 over Kimura.

The fact that Kimura does not anticipate claims 1-9 is particularly, and even more forcefully, evident relative to claims 4, 5 and 8. Claim 4, which is dependent on claim 1, via claim 3, also has the limitation "said storage means comprises first storage means which cannot be overwritten". A storing portion 13 in Kimura is not such a storing portion that cannot be overwritten.

Similarly, the storing portion 12 in Kimura can be overwritten. Additionally, the storing portion 12 stores information of dates, etc., and the corresponding data between character input modes and colors are not written as a set value of the user, as further set forth in claim 4. The rejection on grounds of anticipation requires complete identity between the disclosed subject matter and the prior art. This simply does not exist here. These remarks are directly applicable to claim 5 which is dependent from claim 4.

Claim 8 is dependent from claim 7 and its subject matter is not described in Kimura. That is, the control can be made according to the rule of the data set which is given to the application subsequently to its being downloaded, not to mention that the data set given to the initially built-in function in the main body of the apparatus is also a feature of this claim. Thus, claims 4, 5 and 8 define very specific features which are not even remotely resembled in anything provide in Kimura. These claims cannot be said to have been anticipated, nor even rendered obvious, by the prior art of record.

Claims 1, 2 and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by Yoshida, U.S. Patent No. 6,761,462. Reconsideration of the rejection is respectfully requested.

Yoshida does disclose variation of the lighting color of the backlight based upon the selected input mode, (column 2, lines 30-42), but it does not disclose changing the lighting position of the key backlight in accordance with the switching of character input modes, as claimed in independent claim 1.

Claims 1, 2 and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by Sunga Mitsuhide, JP 2001-217904. Reconsideration of the rejection is respectfully requested.

Sunga Mitsuhide does disclose two or more light emitting parts in a portable telephone, the two or more light-emitting parts emitting light in a different color according to a class of melody sound reporting the arrival of a signal, (claim 4), but again there is no disclosure, teaching or suggestion of a change of a lighting position of a key backlight in accordance with switching of character input modes, as claimed in independent claim 1.

In view of the foregoing remarks, allowance of claims 1-9 is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 22, 2005:

Max Moskowitz

Name of applicant, assignee or
Registered Representative

Signature

August 22, 2005

Date of Signature

Respectfully submitted,

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AMENDMENT TO THE DRAWINGS

Please find enclosed replacement sheets for Figs. 6 and 7 containing proposed amendments thereto for the approval of the Examiner.